

## UNITED STATES DEPARTMENT OF AGRICULTURE

2016 MAY 17 PM 4:12

## BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re: )  
 )  
 )  
 Victor Hollender ) Docket No. 16-0169  
 and Lori Hollender )  
 doing business as )  
 Vic's Exotics ) 16-0110  
 )  
 Respondents ) Complaint

There is reason to believe that the Respondents named herein violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) ("Act"), and the regulations and standards (9 C.F.R. § 1.1 et seq.) ("Regulations"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") pursuant to the rules of practice applicable to this proceeding (7 C.F.R. §§ 1.130-.151) ("Rules of Practice") issues this complaint alleging the following:

## I

A. Victor Hollender is an individual who lives in Texas. Lori Hollender is an individual who lives in Texas. Victor and Lori Hollender operate a business called Vic's Exotics. Victor and Lori Hollender hereafter will be referred to as the Respondents. The Respondents' mailing address will not be provided in the complaint to protect the Respondents' personal

privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of service of this complaint and future documents.

II

A. The Respondents, at all times material herein were operating as a dealer as defined in the Act and the regulations.

B. Respondent Victor Hollender was found in a decision issued on May 10, 2000 to have operated as dealer under the Act without being licensed. See In re Victor Hollender, 59 Agric. Dec. 799, 2000 WL 33667894.

III

From February 22, 2013 and continuing to the date of this complaint the Respondents operated as a dealer under the Act without being licensed in willful violation of Section 4 of the Act (7 U.S.C. § 2134) and section 2.1 of the regulations (9 C.F.R. § 2.1). The dates that the Respondents operated without a license include but are not limited as follows:

1. On February 22, 2013 the Respondents sold a zebra in Huntsville, Alabama.
2. On or about July 13, 2013 the Respondents sold ten animals in Huntsville, Alabama.
3. On or about July 30, 2013 the Respondents sold four animals in Fort Worth, Texas.

By reason of the facts alleged in the above listed paragraphs of this complaint, there is reason to believe that the Respondents violated the Act and the specified regulations promulgated thereunder.

WHEREFORE, this complaint shall be served upon the Respondents for the purpose of determining whether the Respondents willfully violated the Act and the regulations and the standards. In accordance with the rules of practice, the Respondents shall have twenty (20) days after service of this complaint in which to file an Answer with the Hearing Clerk, Room 1031- South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250-9200. The failure to file an answer within the prescribed time shall constitute an admission of the allegations in the complaint. The failure to deny or otherwise respond to an allegation in the complaint shall constitute an admission of that allegation. The failure to file an answer, or the admission by the answer of all the material allegations of fact contained in the complaint, shall constitute a waiver of hearing.

The Animal and Plant Health Inspection Service requests:

1. That unless the Respondents fail to file an answer within the prescribed time, file an answer admitting all the material allegations of this complaint, or enters into a consent decision, this proceeding be set for oral hearing in accordance with the rules of practice; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Requiring the Respondents to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondents in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Suspending, revoking the respondents' license or disqualifying the respondents from obtaining a license under the Act.

Done at Washington, D.C.  
this 17<sup>th</sup> day of May, 2016

[REDACTED]  
Kevin Shea  
Administrator  
Animal and Plant Health Inspection  
Service

Sharlene Deskins  
Attorney for the Complainant  
U. S. Department of Agriculture  
Office of the General Counsel  
Marketing, Regulatory and  
Food Safety Programs Division  
Room 2343, South Building  
Mail Stop 1405  
1400 Independence Ave., S.W.  
Washington, D.C. 20250-1424  
Telephone: (202) 720-2595  
Facsimile (202) 690-4299  
Sharlene.Deskins@usda.gov